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WITTED STATES DISTRICT COURT WIDDLE DISTRICT OF PERMSYLVANIA

JOHN CATTER, et	a i di Lemperanda al eş		GIYIL ACTION	FILED HARRISBURG, PA
	Plaintiffs			JUL 2 4 2000
V3.	en e		1 mCVmCDmG24	MARY E. D'ANDREA, CLERK Per / Deputy Clerk
VARTIN HOW, et	al.,	BE 0	(Judge Celdwe	
	Cofercianta	*	Ary Triel Commits PRSACS	chimelfer's

PLAINTIPFS" MOTION IN COMMENTS TO DISHIES

Plaintiffs, John Certer, Jimmy Mobiliter, Mariano Pallot, David Comptall, Arthur Caralchael <u>Pro se</u>, hereby move the Court to dany the Commonwealth defendants' Motion to Cieniae Plaintiffs complaint spainst them because,

- '. Plaintiffe' complaint elleges genuine issues of material fect/o/ that preclude granting defendants' Motion to Disales Plaintiffe' complaint on the grounds that it falls to state a claim upon which relief can be granted.
- 2. Secause until the newed Cofendants have responded to Plaintiffe' combined Mations, of Interrogatories and Production of Cocuments, Plaintiffe are thereby weble to factually show to what extent each of the newed Cofendants are guilty of a violation of Plaintiffe' constitutional rights as alleged in their Complaint; And,
- 3. Plaintiffs have to date not received defendents' Brief in support of their Motion to Diemies.

Plaintiffs' brisf in support of this motion, with the Court's permission, be stayed, panding Plaintiff a' reception of the defendants' brisf in support of their Mation to Dississ.

WHEREFORE, Plaintiffs pray that the Commonwealth Defandants' Motion to Dismiss be deried and/or stayed until such time as the remed Cafandants have responded to Plaintiffs' Discovery motions, submitted to them on or about March 22, 2000 c.s. .

Respectfully Mcbeltted,

er John potts

John Certar, Pro.Per.

P.P. # 0N-1404

P.O. Box 256, Poute 5

WEVERTE, Pa. 18477-0755

DATED: LATE 15 PROT

IN THE UNITED STATES DISTRICT COURT

for the middle district of pennsylvania

JOHN CAPITER, ET AL.

Plaintiffe

1:07-00-0834

V#

(Judge Caldwell)

MARTIN HORN, COMMISSIONER,

DEPT. OF COPPECTIONS. ET AL.,

Defendants

CERTIFICATE OF SERVICE

I, John Certer, Plaintiff, <u>pro</u> <u>ss</u>, on behalf of himself and the nemed Plaintiffs hersin, hereby certify that on this data I caused to be served the foregoing, Plaintiffs' Motion in Opposition to the Commonwealth Defendants' Motion to Discles by depositing ease in the Chited States Mail Sox, on Slock L-1, in SCI-Maymart, postage prepaid, and addressed to the following:

Seth A. Mendeladn (DA9...)

Cffice of the Attorney General

15th Floor, Strawberry Square
Herrisburg, Pa. 1712)

DATED: Lily 18, 2000 c.e.

John Carter , Plaintiff

P.P. # CH-1404

P.O. Box 155, Poute 5

Waymert, Pa. 18472-0255

IN THE UNITED STATES DISTRICT COURT FOR

THE MICELE DISTRICT OF PENNSYLVANTA

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WILLIAM W. CALEMELL, D

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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JOHN CARTER, et al.,
Plaintiffs

VS. 1:CV-00-0834

MARTIN HORN, COMMISSIONER (Judge Caldwell)

DEPT. OF CORRECTIONS, et al., :

Defendants

ORDER

AND NOW, this _____day of _____,2000, upon consideration of Plaintiffs' AFFIDAVIT FOR EXTENSION OF TIME it is hereby ordered that the motion is GRANTED.

WILLIAM W. CALDWELL, J.